

VOICE IN SPORT[®]

FOUNDATION

VOICEINSPOORT Foundation
Stef Strack
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FILED

MAR 03 2025

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

Dear Judge Wilken,

We are VOICEINSPOORT Foundation (VISF), a non-profit organization dedicated to elevating and championing the voice of girls and women in sports. VISF is a community for our members, girls and women in sports from middle school to college, to elevate one another by sharing their views and experiences in sports. We have a leadership development program called the VIS Advocate Program that educates women athletes on Title IX and powers them with the tools to drive change at their school. Our mission is to advocate with and for our members to advance in their chosen sports while advocating for the progress of *all* women in *all* sports.

We are writing to follow up on our initial letter sent on January 31st to reaffirm our strong support for the enforcement of Title IX. This is our second letter emphasizing the urgent need for stronger protections for girls and women in sports. As an organization committed to gender equity, we have seen firsthand the challenges that women athletes face, from disparities in resources and opportunities to issues of discrimination and unequal treatment. We urge you to continue upholding and strengthening Title IX protections to ensure that every girl and woman in sports has equal access to opportunities, funding, and support, allowing them to reach their full potential both on and off the field.

Our membership is made up of 250 women athletes participating in the **VIS Advocate Program**, and through over 20 active VIS Chapters we reach over 1,000 high school and collegiate athletes nationwide. Most, if not all, are also class members in the settlement proposed in *In re: College Athlete NIL Litigation*, Case No. 4:20-cv-03919 (N.D. Cal.), more commonly known as the *House Settlement*. Those classes are the damages classes (Women's Basketball and Additional Sports Classes) and the injunctive release class (the Injunctive Relief Settlement Class).

VISF objects to the *House Settlement* on behalf of our membership. It turns back the clock on decades of progress for women in sports, violates Title IX and federal antitrust law, and harms women's opportunities to compete at the highest level of college sports. It hurts our mission and our members. For the sake of all women in sports, the Court should reject the settlement.

On January 16, 2025, the U.S. Department of Education, Office for Civil Rights (OCR) published a Fact Sheet confirming that Title IX applies to institutions of higher education sharing revenues from licensing their student athletes' Name, Image, and Likeness (NIL) directly with those athletes. That means schools *must* distribute NIL revenues in proportion to athletic participation by men and women at each school.

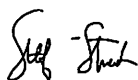
The *House* Settlement doesn't do that. It distributes more than 90% of the \$2.8 billion settlement fund for NIL and "athletic services" damages to male football and basketball players. Women athletes will get less than 10% of the entire settlement. That is obvious gender discrimination. It violates Title IX's guarantee of equal opportunity for men and women in education and deprives our members of what they are owed.

The *House* Settlement also illegally restrains our members' market freedom in violation of federal antitrust law. The U.S. Department of Justice told the Court on January 17, 2025, that it opposed the settlement because it caps future revenue sharing each year and restrains competition for athletes' labor by colleges and universities. We agree. Our athletes must be free to compete on the playing field and in the marketplace. If they choose to earn a living playing their sport, they must be free to do so without having to overcome their schools, conferences, and the NCAA colluding to restrict their earning power.

Finally, the *House* Settlement immediately reduces college athletic opportunities for women by imposing roster limits on each Division I sport. The proposed limits particularly impact so-called "non-revenue" sports such as swimming and track and field. Many women athletes who are currently on college teams or have been recruited for the 2025 season have found that the threat of roster limits is already causing coaches to take away their roster spots even before the *House* Settlement has been fully evaluated by the Court. With reduced roster spots available in each sport, it will be harder for young girls to chart the long path to Division I. That will reduce interest and participation in youth sports for decades to come and strangle the pipeline of women athletes. Roster limits will harm our mission and our members beyond repair.

We speak with one voice. The *House* Settlement damages decades of efforts to equalize the playing field for women in sports and must not be approved. 151 VISF members, signing below, agree. On their behalf, and on behalf of women in sports, we object.

Sincerely,



Stef Strack
Founder & CEO
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